
REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on September 18, 2003, and the references cited therewith.

Claims 1, 9, 13, 18, 21, and 24 are amended, no claims are canceled or added; as a result, claims 1-24 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 3-15, 17, 18, 20, 21 and 24 were rejected under 35 USC § 102(b) as being anticipated by Cogger et al. (U.S. 6,032,184).

Anticipation requires the disclosure in a single prior art reference of each and every element of the claim under consideration. Applicant respectfully submits that the Office Action fails to make out a *prima facie* case of anticipation. Nevertheless, claims 1, 9, 13, 18, 21, and 24 are amended to clarify the claims.

Amended independent claim 1 now recites in part:

“a data storage section that stores data, wherein the data includes information, files, and programming necessary to control and perform one or more tasks defined in the job ticket;”

The Office Action cites Cogger at Fig. 1, reference number 16 as providing this element. However, this illustration in Cogger and its associated description at col. 6, lines 5-9 recites:

“A second or middle tier 16 is provided, having secure Web servers 24 and back end services to provide applications that establish user sessions, govern user authentication and their entitlements, and communicate with adaptor programs to simplify the interchange of data across the network.”

This recited portion of Cogger fails to teach tasks defined in a job ticket and information and files necessary to control and perform one or more tasks. Further, The Office Action provides general reference to FIG. 1 as teaching “a control section” as set forth in claim 1. Applicant is unable to determine what is asserted as teaching this element and is unable to locate in Cogger where this element or the data storage section element recited above are taught.

Further, it appears from the description in Cogger that it is directed to a system that “allows a customer to open and monitor trouble tickets relating to network events and service problems on the enterprise network.” Col. 3, lines 26-30. These trouble tickets in Cogger are then assigned to a service organization. Col. 4, lines 7-8. Thus, it appears that Cogger is

directed to a system of reporting problems to a service organization that resolves the problems manually. In contrast, amended, independent claim 1 includes “programming necessary to control and perform one or more tasks defined in the job ticket.” Applicant respectfully asserts that Cogger teaches a manual data collection and reporting system while the present invention is a system that collects job tickets for causing the execution of the jobs in the job tickets.

Thus, applicant respectfully submits that amended independent claim 1 is not anticipated by Cogger because Cogger teaches a different invention than claimed and Cogger fails to teach tasks defined in a job ticket and information and files necessary to control and perform one or more tasks.

Amended independent claims 9, 13, 18, 21, and 24 contain similar elements as claim 1 and are patentable over Cogger for similar reasons.

Dependent claims 3-8, 10-12, 14-15, 17, and 20 depend, directly or indirectly, from allowable amended independent claims 1, 9, 13, and 18 and are patentable over Cogger for the reasons argued above, plus the elements of the claims.

For example, claim 6 recites in part, “wherein the control section includes client preferences.” The Office Action points to Cogger, FIG. 8, reference number 500 as showing this. However, upon review of FIG. 8 and its associated description at col. 14, lines 12-21, Applicant is unable to locate where a single customer preference is described. Further, claim 7 provides that the client preferences include requirements for data parsing. Again, despite a cite to Cogger in the Office Action, Applicant is unable to locate where client preferences are described and further where data parsing is described.

Thus, Applicant respectfully requests reconsideration and withdrawal of the 35 USC § 102(b) rejections at least because Cogger teaches a different invention than claimed and Cogger fails to teach tasks defined in a job ticket and information and files necessary to control and perform one or more tasks.

§103 Rejection of the Claims

Claims 2, 16, 19, and 22-23 were rejected under 35 USC § 103(a) as being unpatentable over Cogger et al. (U.S. Patent No. 6,032, 184), in view of Lampson et al. (U.S. Patent No. 6,594,672).

Applicant respectfully submits that Cogger is nonanalogous art. Analogous art is all art that is either in the field of technology of the claimed invention or deals with the same problem solved by the claimed invention even though outside the field of technology. *In re Wood*, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979).

As stated above, Cogger describes a system that that “allows a customer to open and monitor trouble tickets relating to network events and service problems on the enterprise network.” Col. 3, lines 26-30. These trouble tickets in Cogger are then assigned to a service organization. Col. 4, lines 7-8. Thus, it appears that Cogger is directed to a system of reporting problems to a service organization that resolves the problems manually. In contrast, claim 1, from which claim 2 depends, recites in part, “programming necessary to control and perform one or more tasks defined in the job ticket.” Thus, Cogger is not analogous art because it only teaches a manual system for reporting problems and not a system that collects job tickets for causing the execution of the jobs in the job tickets. Accordingly, the combination of Cogger in view of Lampson is improper because Cogger is nonanalogous art.

Even if Cogger is considered analogous, the combination of Cogger and Lampson fails to teach or suggest each and every element of the claimed invention and therefore, a prima facie case of obviousness is not made by the Examiner. Lampson is provided to teach the use of an XML database in trouble shooting. Lampson fails to cure the deficiencies of independent claims 1, 13, 18, and 21 from which claims 2, 16, 19, and 22-23 depend. In other words, Lampson fails to teach or suggest “a data storage section that stores data, wherein the data includes information, files, and programming necessary to control and perform one or more tasks defined in the job ticket...” as recited in claim 2 based on the dependency of claim 2 on claim 1. Claim 16 depends from claim 13 which includes a similar limitation. Claim 19 depends from claim 13 which includes a similar limitation.

Claims 22-23 depend from claim 21 which includes a similar limitation. Claim 21 recites “...control data that includes information and programming related to performance of the job ...”

Thus, Applicant respectfully submits that the combination of Cogger in view of Lampson fails to teach or suggest each and every element of the claims based on the discussion above.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 09/873192

Filing Date: June 5, 2001

Title: USE OF A JOB TICKET AS A GENERIC XML DATABASE

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(SWLK 1683.057US1)

Thus, Applicant respectfully submits that the combination of Cogger in view of Lampson fails to teach or suggest each and every element of the claim. Further, the combination of Cogger in view of Lampson is improper because Cogger is nonanalogous art. Reconsideration and withdrawal of the 35 USC 103(a) rejection of claims 2, 16, 19, and 22-23 is respectfully requested.



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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 349-9581) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26th day of January, 2004.

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